

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-513

July 30, 2001

MAINE PINES  
Request for Waiver of the Opt-Out Fee  
Requirement of Chapter 301

ORDER GRANTING  
WAIVER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On July 25, 2001, Maine Pines Racquet & Sports filed a request for a waiver of the opt-out fee provisions of Chapter 301 (section 2(c)(2)). Maine Pines is a customer in the Central Maine Power Company (CMP) service territory and had been receiving its electricity supply from a competitive electricity provider (CEP) since retail access began in March of 2000. The term of the CEP-provided service was for one year, through February of 2001. When the term ended, Maine Pines defaulted to standard offer service. Maine Pines acknowledges that it "lost track" of when its CEP term of service was to end, and only became aware that it had ended when it received its April bill from CMP. At that point, Maine Pines contacted its CEP, but was told that the CEP could not beat the standard offer service prices. Maine Pines then began contacting other CEPs, and, on June 8, 2001, signed a 4-year agreement with a new CEP. Service under the new CEP agreement begins on Maine Pines' July 2001 meter read date. Because Maine Pines was receiving standard offer service after having previously been served by a CEP, its re-entry to the market to take service from the new CEP has triggered the opt-out fee provisions.

In its recent Order adopting changes to the opt-out fee provisions of Chapter 301, the Commission stated that waivers would be appropriate if a customer's default to standard offer service was beyond the customer's control or otherwise not related to gaming the standard offer service. *Order Adopting Rule and Statement of Factual and Policy Basis*, Docket No. 2000-904 at 4 (Jan. 24, 2001). Maine Pines' default to standard offer appears to be completely unrelated to gaming, and simply the result of an oversight with respect to when its original CEP term of service ended. When Maine Pines became aware that the term had ended, it acted quickly to secure an extension and, when that was not an option, Maine Pines shopped for and promptly found a new CEP.

Section 10 of Chapter 301 allows the Director of Technical Analysis to grant waivers that are not inconsistent with the purposes of the rule. I find that granting this request that the opt-out fee be waived is not inconsistent with the purpose of the fee. Therefore, the Maine Pines request for a waiver of the opt-out fee is hereby granted.

Dated at Augusta, Maine, this 30th day of July, 2001.

BY ORDER OF THE DIRECTOR OF TECHNICAL ANALYSIS

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Faith Huntington  
Acting Director